

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

RODERICK DEWALT,

Plaintiff,

v.

PATRICK BRAUNER, et al.,

Defendants.

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No. 4:19-cv-46-JCH

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff Roderick Dewalt's motion to appoint counsel. The motion will be denied, without prejudice.

"A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998). Once the plaintiff alleges a *prima facie* claim, the Court must determine the plaintiff's need for counsel to effectively litigate his claim. *In re Lane*, 801 F.2d 1040, 1043 (8th Cir. 1986). Here, plaintiff has been granted leave to proceed *in forma pauperis*, and he has been instructed to file an amended complaint, which he has not yet done. The instant motion is premature, and will be denied without prejudice. The Court will entertain future motions for the appointment of counsel, if appropriate, as this case progresses.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for the appointment of counsel (Docket No. 5) is **DENIED** without prejudice

Dated this 21st day of February, 2019.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE